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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,581	04/21/2004	Yaacov Ben-Yaacov	6995P001X	6720
8791 7590 08/14/2009 BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040				
EXAMINER				
SELLERS, DANIEL R				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/829,581

**Applicant(s)**

BEN-YAACOV ET AL.

**Examiner**

DANIEL R. SELLERS

**Art Unit**

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 May 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,4-17 and 53 is/are pending in the application.
- 4a) Of the above claim(s) 19,20,27-36,42-50 and 52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-17 and 53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 May 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 5/18/09 have been fully considered but they are not persuasive.
2. Regarding impermissible hindsight, the examiner disagrees. There is recognition that certain features can be an obvious variant for the purpose of meeting design goals, incentives, and/or market forces. The combination as introduced below teaches several variations and makes it obvious to create variations based on design goals, incentives, and/or market forces. Specifically, Grady teaches an RF transmitter for transmitting analog audio and Thielen teaches transmission of both the analog audio and the digital metadata using FM and RDS. Thielen does teach an integrated FM transmitter, but one of ordinary skill in the art at the time of the invention would have found it obvious to try to provide the metadata presentation using FM with RDS in a device such as the one taught by Grady (see Thielen, ¶¶ 0213 and 0217-0220). In other words, it is believed that one of ordinary skill in the art at the time of the invention would have read the teachings of Thielen and would have found it obvious to try to add the RDS capability to a previous hand-held audio player in the manner that Grady teaches an attachment to provide FM transmitting capabilities.
3. Regarding Grady, the applicant contends that units 226 and 228 of figure 12 in Grady do not teach sockets on the casing of the hand-held audio player. The examiner respectfully disagrees. Certain figures illustrate the docking unit (see figure 1, unit 10) and some figures illustrate the hand-held audio player (see figure 18). It is apparent

that the docking unit will have connectors to couple with the hand-held audio player and further apparent that any connectors shown must have a counterpart in the other unit (i.e. a male connector on the docking unit couples with a female connector on the hand-held audio player and vice-versa). Grady teaches these two units and describes them as a male connector (226) and a coupling (228). Specifically, Grady teaches that the male connector couples with the headphone jack (see ¶ 0064). As additional proof, the applicant can look to Fadell, and it is clearly shown (not just stated, as in Grady, ¶ 0064) that the headphone jack exists on the casing of the hand-held audio player (see Fadell, figure 1, unit 116).

4. Applicant's arguments with respect to the amendment of claims 1, 4-17, and 53 have been considered but are moot in view of the new ground(s) of rejection.

### ***Drawings***

5. The drawings were received on 5/18/09. These drawings are acceptable.

### ***Claim Rejections - 35 USC § 103***

6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. **Claims 1, 4-6, 10-14, 16-17, and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over Grady (previously cited), US 2004/0058649 A1, in view of Fadell et al., US 2004/0224638 A1 (previously cited, not relied upon, and hereinafter

Fadell) with evidence from Csicsatka, US 2003/0158737 A1, and further in view of Thielen (previously cited), US 2004/0117442 A1.

8. Regarding **claim 1**, Grady teaches a hand-held music player for use in conjunction with radios, comprising:

*a casing (see ¶ 0073 and figure 18, show an iPod™ (hereinafter IPOD), which has a casing);*

*a mini-jack socket on said casing to play music into a headphone (see ¶ 0073 and figure 18, unit 259 in view of Thielen);*

*a first transfer socket on said casing, distinct from the mini-jack socket, through which an analog song is transferred to an external radio transmitter (see ¶ 0064 and figure 12, unit 226);*

*a second transfer socket on said casing, distinct from the mini-jack socket and the first transfer socket, (see ¶ 0064 and figure 12, unit 228) through which digital meta-data for the song is transferred to the radio transmitter; and*

*a dial on said casing for selecting a song for playback (see figure 7).*

Grady teaches a modular FM transmitter for transmitting the audio playback of an IPOD, or similar device (see abstract and ¶ 0009-0012). However, Grady does not teach the mini-jack and distinct first transfer socket for transmitting an analog song to an external transmitter.

Fadell teaches methods for a portable media device to communicate with other devices (see abstract). Fadell is also evidence that the IPOD has a dial on the casing for selecting a song for playback (see ¶ 0048-0049). Specifically, Fadell teaches the IPOD as an exemplary embodiment of the portable media device (see ¶ 0043). Fadell similarly teaches a mini-jack socket to play music into a headphone (see ¶ 0055 and figure 1, unit 116). Fadell, also, teaches a second socket on said casing, distinct from the mini-jack socket, through which digital data is transferred (see ¶ 0055-0057, 0060-0062, figure 1, unit 118, and figure 2, unit 158A). Specifically, Fadell teaches that there may be one or more data ports on the hand-held music player by design (see ¶ 0057),

and the data connection between the hand-held music player and a media device many different connections (e.g. digital or analog audio) in different connectors (e.g. USB or FIREWIRE) (see ¶ 0062 and figure 2). Fadell further teaches that the media device may be a docking station with various connections (see ¶ 0074, 0076, 0081 and figure 2, unit 154, figure 5, unit 214, figure 6C, and figure 7C, units 268 and 270). It is clear that Fadell is teaching a multitude of design choices, and illustrates that a docking station can expand a connector on the hand-held music player (see figure 2, unit 158A) to a first transfer socket, distinct from the mini-jack, through which an analog song can be transferred (see figure 7C, unit 270). Fadell makes it obvious to incorporate the first transfer socket on the casing in any number of positions (see ¶ 0057). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady and Fadell for the purpose of providing a line-out type of jack on the casing as a matter of design choice. Csicsatka, US 2003/0158737 A1, is evidence of a portable digital audio player with a separate headphone and a line-out socket (see abstract, ¶ 0050, and figure 1, units 17 and 41)

Thielen teaches a hand-held music player for use in conjunction with radios, which is capable of sending metadata to the radio transmitter to be transmitted to the radio (see ¶ 0049-0050 and 0129). Thielen teaches a second socket on said casing through which digital audio data is received (see ¶ 0015). Ideally, Thielen teaches an all-in-one solution (see figures 3 and 10, unit 20), wherein the text (i.e. meta-data) is transmitted by the FM transmitter using RDS (see ¶ 0129). However, Thielen also teaches a modular solution, like that taught by Grady (see Thielen, ¶ 0213 and 0217-

0220). It would have been obvious for one of ordinary skill in the art at the time of the invention to try to access meta-data in the IPOD through the FIREWIRE or USB port and transmit it to the radio for the purpose of displaying pertinent data, such as the artist and song title to car passengers (see Fadell, ¶ 0055, figure 1, unit 118 and figure 6C). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Fadell, Csicsatka, and Thielen for the purpose of better display of meta-data.

9. Regarding **claim 4**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, further comprising an LED display (see Grady, ¶ 0075-0076 and figure 19 and Fadell, ¶ 0047, wherein the display is backlit by an LED).

10. Regarding **claim 5**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, further comprising an LCD display (see Fadell, ¶ 0047 and/or Thielen, ¶ 0117 and 0139).

11. Regarding **claim 6**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein the second transfer socket comprises a USB socket (see Grady, ¶ 0073).

12. Regarding **claim 10**, see the preceding argument with respect to claim 1. The combination teaches the hand-held music player of claim 1, wherein the radio transmitter is an FM or an RF transmitter (Grady, ¶ 0039-0040).

13. Regarding **claim 11**, see the preceding argument with respect to claim 10. The combination teaches the hand-held music player of claim 10, wherein the radio

transmitter further comprises a radio data system (RDS) transmitter (see Thielen, ¶ 0129).

14. Regarding **claim 12**, see the preceding argument with respect to claim 11. The combination teaches the hand-held music player of claim 11, wherein the meta-data for the song is transferred through said second transfer socket, for transmission by the radio transmitter as RDS data (see Thielen, ¶ 0129, wherein it is obvious the meta-data is the associated text information which is transmitted with the audio data using FM and RDS means).

15. Regarding **claim 13**, see the preceding argument with respect to claim 12. The combination teaches the hand-held music player of claim 12, wherein the meta-data includes the name of the song currently being transmitted. Thielen teaches associated text information and it is obvious that this includes a name of the song currently being transmitted.

16. Regarding **claim 14**, see the preceding argument with respect to claim 11. The combination teaches the hand-held music player of claim 11, wherein information about the hand-held digital music player is transferred through said second transfer socket to the radio transmitter, for transmission by the radio transmitter as RDS data (see the preceding argument with respect to claim 13, wherein the associated text information about a currently playing song reads on transferred information about a hand-held player, in as much that it conveys the player is playing a song).



17. Regarding **claim 16**, see the preceding argument with respect to claim 10. The combination teaches the hand-held music player of claim 10, further comprising a frequency selector, for selecting a broadcast frequency (see Thielen, ¶ 0128).

18. Regarding **claim 17**, see the preceding argument with respect to claim 16. The combination teaches the hand-held music player of claim 16, wherein said frequency selector comprises a tuner for scanning radio frequencies (see Thielen, ¶ 0133).

19. Regarding **claim 53**, see the preceding argument with respect to claim 1. The combination teaches a device with these features, wherein Grady teaches that the dock connector is a USB socket (see Grady, ¶ 0073) and it is obvious to send the meta-data to the RDS encoder (see Thielen, ¶ 0129) for the purpose of creating a modular design for use with a wide variety of media players (id., ¶ 0213-0220). Furthermore, Fadell with evidence from Csicsatka teaches that a mini-jack socket, distinct from the headphone audio connector (see Fadell, ¶ 0057, 0074, 0076, 0081 and figure 2, unit 154, figure 5, unit 214, figure 6C, and figure 7C, units 268 and 270 and Csicsatka, figure 1). The combination teaches a USB socket, distinct from the others, through which digital metadata is transferred to a RDS system (see Fadell, ¶ 0055, figure 1, unit 118 and figure 6C further in view of Thielen, ¶ 0049-0050, 0128-0130, 0213-0220, figure 10, units 30, 1350, figure 13, unit 1350, and 1390).

20. **Claims 7 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Grady, Fadell, Csicsatka, and Thielen with additional evidence as applied to claim 6 above, and further in view of admitted prior art.

21. Regarding **claim 7**, see the preceding argument with respect to claim 6. The combination teaches the hand-held music player of claim 6. However the combination does not specify if the USB socket is a USB 1.1 socket.

The Office takes *Official Notice*, wherein it is well-known in the prior art at the time of the invention by one of ordinary skill in the art that USB 1.1 and 2.0 could be implemented. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Fadell, Csicsatka, Thielen, and admitted prior art for the purpose of supporting low-speed USB 1.1 devices to ensure compatibility. Likewise it would be obvious to support the high-speed USB 2.0 interface to ensure the fastest transfer rates of digital data when possible.

22. Regarding **claim 8**, see the preceding argument with respect to claims 6 and 7. The combination teaches the hand-held music player of claim 6, wherein said USB socket is a USB 2.0 socket.

23. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Grady, Fadell, Csicsatka, and Thielen as applied to claim 6 above, and further in view of Matsuda et al., US 6,774,604 B2 (previously cited and hereinafter Matsuda).

24. Regarding **claim 9**, see the preceding argument with respect to claim 6. The combination of Grady, Fadell, Csicsatka, and Thielen teaches the features of claim 6. However, the combination does not teach a USB on-the-go (OTG) socket.

Matsuda teaches a USB OTG socket for charging a digital device from another portable device or charging the portable device from the digital device (column 9, lines 1-60). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Fadell, Csicsatka, Thielen, and Matsuda for the purpose of charging the digital player from another portable device.

25. **Claim 15** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Grady, Fadell, Csicsatka, and Thielen as applied to claim 14 above, and further in view of Ohmura et al., US 7,158,842 B2 (previously cited and hereinafter Ohmura).

26. Regarding **claim 15**, see the preceding argument with respect to claim 14. The combination teaches the hand-held music player of claim 14. However the combination of Grady, Fadell, Csicsatka, and Thielen does not teach information about the hand-held digital music player includes an identification number.

Ohmura teaches a system of portable apparatuses and an audio system in communication, wherein an identification number is transmitted (column 11, lines 29-49). It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Grady, Fadell, Csicsatka, Thielen, and Ohmura for the purpose of supporting several portable audio players on one audio system (column 3, lines 16-48).

***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Juntunen et al., US 6,163,711 A (previously cited) - teaches an FM/RDS transmitter system (abstract);

James, US 6,671,494 B1 (previously cited) - teaches an add-on FM transmitter (abstract);

Saubade, US 2004/0049559 A1 (previously cited) - teaches a DARC encoder to provide text in a sideband (abstract and ¶ 0042);

Strietelmeier, Julie, "Gadgeteer Hands On Review: Apple iPod (3<sup>rd</sup> Generation 30GB Model)", 06/06/2003 (previously cited) - teaches about the iPod (pp. 1-10) and evidence that a line out is helpful for driving speakers (see p. 5, end of third paragraph);

Staff, "Griffin Technology Ships New iTrip for 3<sup>rd</sup> Generation iPods", 10/08/2003 (previously cited) - teaches about an FM add-on to the iPod (pp. 1-2);

David Carey, "Apple's iPod packs a pricey punch" (previously cited and hereinafter Carey), is evidence to teach a dial on the IPOD casing (see p. 1, ¶ 4, second sentence and p. 3, top left of figure, which teaches a navigation scroll wheel, or dial, assembly); and

Mankovitz, US 5,161,251 A, teaches sending audio from a compact disc and associated metadata to a FM transmitter (see abstract and figures 1 and 9).

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 261415

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/

Examiner, Art Unit 2614

/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614